

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	4

MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1670, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 4-1-2-1 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 1999]: Sec. 1. It is the intent of this chapter that
5 state offices be open and able to conduct public business at all times
6 during an eight and one-half (8 1/2) hour working day. Each employee
7 shall work for a full seven and one-half (7 1/2) hours each working day
8 and provision for a one (1) hour lunch period shall be provided each
9 employee. Lunch hours of employees shall be staggered to permit the
10 conduct of business at all times during a working day. **Rest breaks**
11 **shall be provided as set forth in IC 22-2-14.** It shall be lawful for
12 state offices to close their doors for business from the close of the
13 working day each Friday or in the event Friday is a legal holiday, then

from the close of the working day on the Thursday which immediately precedes such legal holiday, until the commencement of the working day on the next following Monday, or in the event Monday is a legal holiday, then until the commencement of the working day on the Tuesday which immediately follows such legal holiday; provided, however, that the state library may be kept open until noon Saturdays in the discretion of the Indiana library and historical board."

Page 1, line 4, delete "Work" and insert "**Lunch**".

Page 2, line 20, delete "state ." and insert "**state.**".

Page 2, line 26, delete "a reasonable period" and insert "**not less than thirty (30) minutes**".

Page 2, line 27, delete "The lunch period must be as close to the middle of the" and insert "**The lunch break must be available immediately after the first four (4) hour period of duty.**".

Page 2, delete line 28.

Page 2, line 29, delete "An employee may not be required to take a lunch period" and insert "**If an employee works more than twelve (12) consecutive hours, the employee shall be provided the opportunity for another lunch break of not less than thirty (30) minutes.**".

Page 2, delete lines 30 through 31, begin a new paragraph and insert:

"(d) If the duties of the position do not allow the employee to take a lunch break and:

(1) the lunch break normally is to be unpaid; and

(2) the employee works through the lunch break;

the employee shall be paid for the time of the lunch break at the normal rate."

Page 2, line 32, delete "(d)" and insert "(e)".

Page 2, after line 38, begin a new paragraph and insert:

"SECTION 3. IC 22-2-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 14. Employee Rest Breaks

Sec. 1. This chapter does not:

(1) affect the terms of a negotiated collective bargaining agreement or settlement agreement; or

(2) negate a bona fide agreement between an employee and

1 employer.

2 Sec. 2. As used in this chapter, "duty" means the active
3 performance of functions required by the employer and does not
4 imply physical presence at the location of employment.

5 Sec. 3. As used in this chapter, "employee" means a person
6 employed or permitted to work or perform any service for
7 remuneration or under a contract for hire, written or oral,
8 expressed or implied, by an employer in any occupation. However,
9 the term does not include the following:

10 (1) A member of a religious order who is performing a service
11 for that order.

12 (2) An ordained, a commissioned, or a licensed minister,
13 priest, rabbi, sexton, or Christian Science reader who is
14 performing services for a religious organization.

15 (3) A person who is employed as a salesperson, if all of the
16 person's services are performed for remuneration solely by
17 commission.

18 (4) A person employed in an executive, an administrative, or
19 a professional occupation if the person has the authority to
20 employ or discharge.

21 (5) An employee with respect to whom the federal Interstate
22 Commerce Commission has power to establish qualifications
23 and maximum hours of service under the federal Motor
24 Carrier Safety Act (49 U.S.C. 31502(b)) or an employee of a
25 carrier subject to IC 8-2.1.

26 (6) An employee subject to the federal Railway Labor Act (45
27 U.S.C. 151 et seq.).

28 Sec. 4. As used in this chapter, "employer" means an individual,
29 a partnership, an association, a limited liability company, a
30 corporation, a business trust, and the state.

31 Sec. 5. (a) An employer shall provide an employee who has been
32 on duty for two (2) or more continuous hours with a paid rest
33 break of ten (10) minutes.

34 (b) The employer shall provide a rest break as provided in
35 subsection (a) after every two (2) continuous hours of work.

36 (c) If the employee has taken a lunch break after four (4)
37 continuous hours of work, as provided in IC 22-2-13-5, the
38 employee is not entitled to a rest break after the second two (2)

1 hour period.

2 (d) This section does not apply when the employer has only one
3 (1) employee on duty during a period of four (4) or more
4 consecutive hours.

5 Sec. 6. (a) A person who violates this chapter commits a Class
6 C infraction.

7 (b) Each time a person violates this chapter, the person commits
8 a separate infraction."

9 Renumber all SECTIONS consecutively.

(Reference is to HB 1670 as introduced.)

and when so amended that said bill do pass.

Representative Liggett